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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,352	01/18/2002	Timothy W. Rawlings	9059.00	9275

7590

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Douglas S. Foote, Esq  
NCR Corporation  
Law Department ECD-2  
101 West Schantz Avenue  
Dayton, OH 45479-0001

EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,352	<b>Applicant(s)</b> RAWLINGS, TIMOTHY W. 	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Withdrawn of Finality***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Withdrawn Rejections***

2. The 35 U.S.C. 103 rejection of claims 1 – 3, 5, 6, 9, 10 and 17 – 19 over Tataryan et al. in the office action dated January 5, 2006 is withdrawn due to Applicant's arguments in the response dated April 11, 2006.
3. The 35 U.S.C. 103 rejection of claims 4, 7, 8, 11 – 16 and 22 – 29 over Tataryan et al. in view of Popat et al. and Black in the office action dated January 5, 2006 is withdrawn due to Applicant's arguments in the response dated April 11, 2006.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1 – 19 and 22 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976) and further in view of Black (USPN 6,540,131).

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57); therefore, it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforation with intermittent non-perforated areas where the length of the non-perforated section is 20% of the width with area of microperforations of equal length. The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7). However, Tataryan et al. fail to disclose the printable substrate being a form with removable labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm

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and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated have a length from 1 to 5 mm.

Popat et al. teach using fold line formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50; Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27 mm and ties between 0.11 mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

Black teaches the use of breaks, non-perforated sections having a length of 5 to 10 mm (Column 6, lines 18 – 20; Figure 3, #22) on a fold line in a stationary formed with printable material (Column 6, lines 63 – 64) for the purpose of preventing the propagation of a tear along a crease line in a printable substrate (Column 6, lines 25 – 30).

Therefore, one of ordinary skill in the art would have recognized that the changing of the lengths of perforation and non-perforated areas is well known in the art to be used in combination with printable substrates to prevent jams in the printer paper path as taught by Popat et al. and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Black.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in card stock material with preprinted indicia and non-perforated sections having a length of 5 to 10 mm in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Popat et al. and Black.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 19 and 22 – 29 have been considered but are moot in view of the new ground(s) of rejection. However, since the same prior art is being applied in the above rejection, the arguments will be responded to below.

In response to Applicant's argument that Tataryan et al. fails to disclose microperforations, Tataryan et al. discloses perforations with a length of 3/32 inches (Column 2, lines 60 – 62), which is a greater length than the desired microperforations. However, Tataryan et al. clearly states that the cuts may involve other combinations of cuts and ties as long as the sheet still has a strength of 4.5 to 5 kilograms (Column 4, lines 36 – 42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the length of the cuts and ties as long as the strength remained constant.

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In response to Applicant's argument that there is no indication that the perforations of Popat et al. can comprise microperforations, the Applicant's specification has defined microperforations to have cuts having a length of less than 0.5mm and most preferably in the range of 0.2 mm to 0.4 mm (Specification, Page 3, lines 14 – 15). Popat et al. clearly teach cuts in lengths between 0.24 mm to 0.27 mm and ties between 0.11 mm and 0.14 mm (Column 8, lines 44 – 49), which meet the definition of the microperforations in Applicant's specification.

In response to Applicant's argument that there is no indication or suggestion by Black that microperforations can be used in the fold line, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's argument that there is no hint the non-perforated sections can comprises over 40% of the fold line, Popat et al discloses the use of a sheet having a width of 8.5 inches (Column 9, line 60), where the size of the perforations vary in size from 0.0095 to 0.0105 inches and ties vary in size from 0.0045 to 0.0055 inches (Column 8, lines 45 – 48). Therefore, if the perforation has a size of 0.0095 inch and the tie has a size of 0.0045, the ratio of the tie size to the perforation size is 0.47, which is greater than 40%.

In response to Applicant's argument that none of the substrates provided allow for printing on the fold line and any printing on the fold line would be difficult if not impossible to

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read, it would have been obvious to one of ordinary skill in the art at the time the invention was made that printing could occur on the fold line since the printable substrate is made of a material that accepts ink. That fact that it would be difficult, if not impossible, to read is irrelevant since it only has to accept print, not be readable.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

*4/18/06*